

### **Remarks**

Claims 1-27 and 30 are pending in the present application and are rejected.

The Specification is amended to correct the priority claim as a 371 U.S. National phase entry of International Patent Application PCT/US04/00385 filed on January 9, 2004, which is a continuation-in-part of U.S. application serial number 10/339,485, filed January 9, 2003, now issued as U.S. Patent No. 6,890,972. The priority to the PCT application is stated in the Notice of Acceptance mailed July 12, 2008 and in the Bibliographic Data Sheet of March 2, 2005. The continuity data on Pair reflects this foreign priority. A claim to the U.S. application serial number 10/339,485 was made in the preliminary amendment filed on March 2, 2005.

### **Interview summary**

The issues regarding the priority claim and the terminal disclaimer as discussed in the Sept. 10, 2008 Interview Summary are addressed.

### **Double Patenting**

Claims 1-27 and 30 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-42 of U.S. Patent No. 6,890,972.

Applicants will file a terminal disclaimer concurrently with the filing of this Response. Accordingly, claims 1-27 and 30 are now in condition for allowance.

### **Conclusion**

Applicants have made a genuine effort to respond to each of the Examiner's rejections in advancing the prosecution of this case. Applicants believe that all formal and substantive requirements for patentability have been met and that this case is in condition for allowance, which action is respectfully requested. If a telephone or video conference would help

expedite allowance or resolve any additional questions, such a conference is invited at the Examiner's convenience.

Please charge the fees for the one month extension as well as any additional fees or credit any overpayments as a result of the filing of this paper to our Deposit Account No. 02-3978.

Respectfully submitted,

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